

*Testimony before the House Veterans
Affairs Appropriation Committee*

*By James C. Topps, American Legion Department Service Officer
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Thank you chairman Garfield for allowing me this time to talk to you and the Veteran's Affairs and homeland security house committee members.

When we have our initial interview with a veteran we become a part of the veterans live, because they are entrusting us for assistance in getting benefits from the Department of Veterans Affairs. In most cases the veterans have heard that trying to work with the VA is very difficult. They look to us because they have read or heard that we help veterans with the claims process, they also want someone who knows the laws and regulations of filing a claim. They are also able to talk one on one with someone when there are questions to be answered, not a telephone.

I would like to tell you about just three of our veterans and how we were able to help them in obtaining benefits from the Department of Veterans Affairs.

A World War II navy veteran who served aboard the USS Chetco a naval destroyer from 1944 to 1946 as an engine machine operator below deck. He became ill with some skin rashes during his time aboard the ship and was sent from one ship to another, to another and then to the Navy Hospital Ship for treatment of this skin condition. Upon discharge the Veteran continued to get treatment for the skin rashes. 10 years after his discharge the rashes seemed to get worse on his face and arms. With his only income from the farm again went to the VA Hospital in Ann Arbor. During this treatment time he was diagnosed with skin cancer. The VA treated him and he seemed to be doing well, but the VA did not tell the veteran that he should file a claim for service connection for his current condition and that this may be related to the condition he had in the service.

The veteran went on with his family and farm life, until 1999 when he again became ill with the rashes, and this time he had to be hospitalized. I was making my rounds on the wards when we met. I interviewed him and with the information that he supplied I went to work to put his case together. We seemed to run into wall after wall in this case never giving up hope that we could get a favorable decision from the VA. Calls to Congressman Nick Smith's field office, forms to the National Personnel Records Center, forms to the U.S. Naval Archives in Virginia for ship logs, that showed the veterans every move from ship to ship had to be retrieved, contacting his buddies he served with for statements, and lay statements from his family we thought we had all we needed. After the initial denial, from the regional office we requested a Decision Review Officer review, the claim was sent on to the Court of Veterans appeals. After years of waiting the Court finally remanded the case back to the Detroit regional office for further development. Which meant that the VA had to take another look at the case and the evidence that was available? We had a pretty good idea that they again over looked key evidence in the first decision. This claim was finally granted 4 years after we filed the claim, asking for the earliest effective date. This veteran was granted his claim back to when the VA first diagnosed his skin cancer at the AA VAMC, was which was 1954. He now is able to live out his life knowing that the American Legion worked until his claim was and received the benefits that he was entitled to.

The second case involves one of your young women Gulf War Veterans who served from 1987 to 1992 in the United States Air Force. Since her discharge she had been feeling sick 3 or 4 times per week. She went to the VA for treatment. She continued to have many health problems during the next 6 years. She finally got diagnosed with Chronic Fatigue Syndrome and severe depression. Again the VA failed to file a claim for this young lady at the time of this diagnoses. Her condition was so severe that she lost all of her hair and went into a deeper depressive state. Finally a friend had her call me and I went to the couples home to see what we could do for her. We completed all of the forms needed to start the claims process for this young veteran seeking service connection for her conditions of Chronic Fatigue Syndrome, depression, PTSD, secondary to the CFS. What we thought was going to be a fairly simple case turned into another

lengthy case due to the VA's inadequacies. This made the work of the American Legion a little tougher, but we stepped up our advocate work and wrote letters to the veteran's private doctors and specialist asking them for an opinion as to whether or not they felt the veteran's condition could be linked to her CFS. We were able to get two professional opinions and present new evidence in favor of the veteran. The VA again subjected this veteran to a denial on this claim and it had to be taken to the Court of Veteran's appeals in Washington D.C.

Not to be put aside by the VA rating specialists the American Legion went to work to find more evidence that would help to find a favorable decision for the Veteran. After looking over the original decision I found that the VA rating specialist and the Decision Review officer had not used the veteran's service medical records showing her treatment for the undiagnosed illness while stationed In Kuwait. We submitted this new evidence in support of the claim to the Board, they then remanded it back to the Detroit regional office. And 5 years after the claim had been filed the VA found in favor of this young veteran. Again granting her Individual Unemployability back to the date of her first treatment at the Ann Arbor VA Medical Center. You can see without the American Legion as This veterans advocate her claim would have gone on without being granted.

The last case I want to tell you about involves a WW II – POW captured by the Germans on September 17, 1944. And was held captive by them until February 3rd 1945 when he and 18 other POW's were able to escape from the camp. At the time of our initial interview he was receiving nothing from the VA. The only thing that he was in need of was health care as his insurance had been discontinued by his company. I knew that there were presumptive conditions that the VA reconignzed for POW's so I explained the process of filing a claim with the VA and he decided that is what he needed to do. But he did not want to take anything that he did not deserve. He then wanted to know if his wife would be cared for if something was to happen to him. He was so unselfish. This was a claim that I knew the VA could not deny. As always there was that time line in this case 14 months to be exact, but in the end the VA would grant a favorable decision for the veteran. This very deserving WW II Prisoner of War was awarded 100% Service Connection. And you know after he received his check for the VA, he and his wife came

back to the office and he said to me, I know now that my wife will be taken care of if something happens to me, because we took the time to care for him. His smile that day was worth a million dollars.

Also during the time that it took the VA to adjudicate this claim our client wrote a book called World War II memories and brought me a signed copy. He signed his book by saying Thank you my Friend. After reading this book I knew that the veteran would always hold a place in my heart for the service that he gave to all of us.

These are just 3 cases that have been successful for us. The American Legion will continue to lead the way in working there case load to see that veterans are given the benefits that each of them deserve.

Today you have heard just a very small portion of what your appropriation does for the Veterans of our great state.

Again thank you Chairman Garfield for allowing me the time to share these success stories, with you and the members of the committee.